

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DAVID SUTHERLAND,)
)
Plaintiff,)
)
v.)
) Case No. CV415-275
CITY OF SAVANNAH, GEORGIA)
et al.,)
)
Defendants.)

REPORT AND RECOMMENDATION

Plaintiff David Sutherland has refused to pay the \$150 partial filing fee set in the Court's last Order. Doc 3 (noting that he is a "frequent, flagrantly frivolous litigant" and directing that he pay \$150 of the \$400 filing fee); doc. 4 (refusing, and claiming an inability to pay). His case therefore should be **DISMISSED WITHOUT PREJUDICE**. *See* L.R. 41(b); *see Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (district courts may *sua sponte* dismiss an action pursuant to Fed. R. Civ. P. 41(b) if the plaintiff fails to comply with court rules or a court order).

SO REPORTED AND RECOMMENDED, this 12th day of November, 2015.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA